

UNITED STATES DISTRICT COURT

THE PINES CHURCH and
MATT GIOIA

Plaintiffs

V.

No. 1:23-cv-00214-LEW

HERMON SCHOOL DEPARTMENT,

Defendant

ORDER

The matter is before the Court on Plaintiffs’ Motion to Continue Trial and Pre-Trial Dates, Reopen Discovery, Appoint Special Master, and Reset Relevant Dates for Dispositive Motions (ECF No. 79). By prior order, and with the consent of the Defendant, I granted Plaintiffs’ request to continue the matter to another trial calendar. This order addresses the remaining requests.

Plaintiffs' Motion is a function of a discovery violation. Specifically, Defendant failed to produce in discovery certain internal communications related to The Pines Church's request to lease school facilities for religious services. Had Defendant produced these communications, counsel for Plaintiffs would have conducted discovery, in particular depositions, differently. The relief requested by Plaintiffs is granted in part and denied in part by this order.

Amendment of Scheduling Order

Plaintiffs' requests for continuance of pretrial dates, to reopen discovery, and to reset the dispositive motion deadline are construed as a request to amend the Court's scheduling order. Because Plaintiffs have shown good cause for a late request to amend the scheduling order, the schedule is amended, as follows:

Deadline for completion of supplemental discovery: April 25, 2025

Deadline for Plaintiffs to make a proffer concerning the viability of a supplemental dispositive motion: May 2, 2025

Deadline for Defendant to respond to the Plaintiffs' proffer: May 9, 2025

These amendments are ordered for the limited purpose of allowing discovery concerning responsive evidence that was not previously produced by Defendant. Defendant has agreed to conduct a supplemental search of its email server(s) and to produce documents using search terms agreed to by Plaintiffs.

Concerning Plaintiff's request for a new dispositive motion deadline, I reserve ruling. The evidence most recently revealed and discussed in the papers did not justify summary judgment for Plaintiffs. However, should additional evidence arise, Plaintiffs may make a proffer as to why they believe any newly discovered evidence justifies a second summary judgment motion. Defendant will have 7 days to respond.

Appointment of Special Master

Plaintiffs' request for the appointment of a special master to oversee the discovery process is denied because Plaintiffs have not demonstrated that the requirements of Rule 53(a)(1)(C) are met.

Fee-Shifting Award

Plaintiffs' request for a fee award as a sanction to compensate for time counsel expended to present Plaintiffs' Motion is denied. As far as discovery and the schedule are concerned, these matters were amenable to resolution through the meet and confer process and an informal hearing with a judicial officer, without the burden and expense of formal motion practice. D. Me. Loc. R. 26(b).

Conclusion

Plaintiffs' Motion to Continue Trial and Pre-Trial Dates, Reopen Discovery, Appoint Special Master, and Reset Relevant Dates for Dispositive Motions is GRANTED IN PART and DENIED IN PART (ECF No. 79) as explained above.

SO ORDERED.

Dated this 23rd day of January, 2025.

/s/ Lance E. Walker
Chief U.S. District Judge